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OFFICE OF PETITIONS

In re Application of :
Sullivan, et al. : DECISION ON PETITION
Application No. 09/943,625 :
Filed: August 30, 2001 :
Atty. Dkt. No.: V0077/7140WRM :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed December 29, 2006.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby **GRANTED**.

This application was held abandoned December 23, 2004 for failure to timely submit a proper reply to the non-final Office action mailed September 22, 2004. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed May 20, 2005.

Petitioners argue that a proper response to the non-final Office action was timely submitted March 22, 2005.

Review of Office records reveals that the response, including petition for extension of time, was received at the USPTO on March 24, 2005 (certificate of mailing date of March 22, 2005), while intended for instant application did not include the correct application serial number. The response improperly cited U.S. App. No. 09/943,652. As a result of applicants' error, the application was held abandoned.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as

occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view of the evidence thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 2800 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown
Petitions Attorney
Office of Petitions